

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 4, 2007

The City Council convened in Regular Session on Tuesday, December 4, 2007, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Bob Kneemiller, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Michael Klinghammer, Larry Muench, Jerry Reese, Ron Stivison, and Richard Veit. Absent: Laurie Feldman and Michael Weller. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.
File #46684

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by LARRY MUENCH to excuse the absences of Councilmembers Laurie Feldman and Michael Weller. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

PUBLIC HEARINGS

The President of the Council Bob Kneemiller announced that the following Public Hearings and the Administrative Hearing would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

A. Public Hearings

1. Case No. CU-27-07. (QuikTrip) The applicant is requesting approval of a conditional use permit to provide a vehicle car wash service in the C-3 Highway Business District. The applicant proposes to construct a new 3,400 square foot car wash facility adjacent to the QuikTrip convenience store/gas station at 3889 Mexico Road. (Ward 6). ***(Referred from the November 20, 2007, Regular Council Meeting) (Supplemental RCA attached)***
2. Case No. CU-22-06 Starbucks (Tri Architects). The applicant proposes to install a 1,650 square foot Coffee Shop with drive-thru facilities on 0.65 acre in the C-3, Highway Business, zoning district. The property is located on the east side of Muegge Road just south of Mexico Road (Cave Springs Crossing Shopping Center). (Ward 6) ***(Referred from the November 20, 2007, Regular Council Meeting) (RCA attached)***
3. Case No. Z-29-07. An application to rezone a tract of land located at 45 Ellen Drive from the City R-1C Single-family Residential District to the R-2 Two-family Residential District. The property is Lot 45 of Elm Point Place, a subdivision in Block No. 6 of Steen and Cunningham's Subdivision of the Commons of St. Charles, U.S. Survey No. 3280, Township 47 North, Ranges 4 and 5 East, as per plat thereof filed for record in Plat Book No. 5 at Page 2 in the Office of the Recorder of Deeds for the County of St. Charles, Missouri, and containing approximately 0.75 acres. The property is located in Ward 8 ***(Council Bill 9518)***

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 4, 2007

4. Case No. Z-30-07. An application to rezone 3092, 3098, 3104, 3110, 3116, 3122, and 3134 Elm Point Industrial Road from the City I-1 Light Industrial District to City C-3 Highway Business District. The properties are a tract of land being all of Lots 2, 4, and 5 of "Elm Point Commons", Bk 44, Pgs 168-169 and part of Lot B of "Discovery Business Park" Bk 42 Pgs 181-182 in the Office of the Recorder of Deeds for the County of St. Charles, Missouri, and containing approximately 7.5 acres. The subject properties are located in Ward 8 (**Council Bill 9522**)
5. An Ordinance Rezoning to City Zoning District C-3 (Highway Business District) from City Zoning R-1E (Single-Family Residential District), Property Located at 1427, 1501, 1503, and 1517 North Fourth Street (**Council Bill 9440**)

B. Administrative Hearing

1. Administrative Hearing to Consider an Appeal of a Decision by the Landmarks Board to Deny Approval of a New Sign at Ameristar Casino

RESOLUTIONS/AWARDS/PROCLAMATIONS

A Resolution Adopting the Capital Improvement Program for the City of Saint Charles, Missouri, for the Fiscal Years 2008 Through 2012 (*Sponsors: All Members of the City Council*)

There was no action taken on the Resolution.

A Resolution of the City of St. Charles Encouraging Federal and State Elected Officials to Adopt Legislation that would make it a Crime to Harass People through the Internet or other Telecommunication Medium (*Sponsors: Larry Muench, Laurie Feldman, Bob Kneemiller, Jerry Reese, and Richard Veit*)

Passed "Aye": Stivison, Veit, Beckering, Ermeling, Klinghammer, Kneemiller, Muench, and Reese

"Nay": None

Absent: Weller and Feldman

Approved by the Honorable Mayor on December 5, 2007, and is known as **Resolution R07-27**

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 9520 Approving the Record Plat for Resubdivision of Lot 2A of the Resubdivision of Lot 2 of Bull Subdivision

Paul Hanson, St. Charles Engineering and Surveying, spoke in favor of Council Bill 9520.

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 4, 2007

Council Bill 9440 Rezoning to City Zoning District C-3 (Highway Business District) from City Zoning R-1E (Single-Family Residential District), Property Located at 1427, 1501, 1503, 1517, North Fourth Street

Peggy Whetzel, 1017 North Third Street, spoke in opposition to Council Bill 9440.

Maureen Rogers-Bouxsein, 1409 North Third Street, spoke in opposition to Council Bill 9440.

BILLS FOR FINAL PASSAGE

Bill 9440 (Failed)

An Ordinance Rezoning to City Zoning District C-3 (Highway Business District) from City Zoning R-1E (Single-Family Residential District), Property Located at 1427, 1501, 1503, 1517, North Fourth Street (*Sponsor: Richard Veit*)

A separate vote was taken on Council Bill 9440, with the following results:

Failed "Aye": Beckering, Ermeling, Kneemiller, Stivison

 "Nay": Klinghammer, Muench, Reese, and Veit

 Absent: Weller and Feldman

Council Bill 9440 failed passage.

File #46685

Bill 9489 (Held)

An Ordinance Authorizing a Cooperation Agreement Between the City of St. Charles and the Metropolitan Park and Recreation District, d/b/a The Great Rivers Greenway District ("GRG") for the Construction and Maintenance of the Boschert Creek Greenway

(*Sponsors: Laurie Feldman and Michael Klinghammer*)

Council Bill 9489 was held upon the request of the Parks & Recreation Department.

Bill 9503 (Held)

An Ordinance Adopting a Budget for the City for the Period from January 1, 2008 to December 31, 2008, and Appropriating Money in the City Treasury to Pay the Cost of Operating the City Government During That Period in Accordance with the Budget

(*Sponsors: All Members of the City Council*)

Council Bill 9503 was held for further discussion at the Council Work Session scheduled for December 11, 2007.

Bill 9509

An Ordinance Approving a Settlement Agreement with U.S. Cellular (*Sponsor: Bob Kneemiller*)

Passed "Aye": Veit, Beckering, Ermeling, Klinghammer, Kneemiller, Muench, Reese, and Stivison

 "Nay": None

 Absent: Weller and Feldman

Approved by the Honorable Mayor on December 5, 2007, and is known as **Ordinance 07-306**

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 4, 2007

Bill 9510

An Ordinance Approving an Access and Parking Easement Agreement with Richardson Hammons, L.P., for the Convention Center (*Sponsor: Bob Kneemiller*)

Passed "Aye": Veit, Beckering, Ermeling, Klinghammer, Kneemiller, Muench, Reese, and Stivison

"Nay": None

Absent: Weller and Feldman

Approved by the Honorable Mayor on December 10, 2007, and is known as **Ordinance 07-308**

Bill 9511

An Ordinance Authorizing a Contract with Michael Spurgeon as Director of Administration (*Sponsors: All Members of the City Council*)

Passed "Aye": Veit, Beckering, Ermeling, Klinghammer, Kneemiller, Muench, Reese, and Stivison

"Nay": None

Absent: Weller and Feldman

Approved by the Honorable Mayor on December 10, 2007, and is known as **Ordinance 07-309**

Bill 9512

An Ordinance Authorizing a Contract with All Service Contracting Corporation for the Elm Point Water Plant Filter Replacement Project in an Amount Not to Exceed \$219,661.00 (*Sponsor: Michael Klinghammer*)

Passed "Aye": Veit, Beckering, Ermeling, Klinghammer, Kneemiller, Muench, Reese, and Stivison

"Nay": None

Absent: Weller and Feldman

Approved by the Honorable Mayor on December 10, 2007, and is known as **Ordinance 07-310**

Bill 9513

An Ordinance Authorizing a Pipe Line License Renewal Agreement with the Missouri Department of Natural Resources for the Maintenance, Operation and Repair of Four (4) Pipes of Various Sizes Crossing the Right of Way for the Katy Trail State Park (*Sponsor: Larry Muench*)

Passed "Aye": Veit, Beckering, Ermeling, Klinghammer, Kneemiller, Muench, Reese, and Stivison

"Nay": None

Absent: Weller and Feldman

Approved by the Honorable Mayor on December 10, 2007, and is known as **Ordinance 07-311**

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 4, 2007

Bill 9514

An Ordinance Authorizing an Agreement with the Missouri Highways and Transportation Commission to Provide Funding for the Installation of Traffic Signals for the Route 94 and Fox Hill Road Traffic Signal Project (*Sponsor: Richard Veit*)

Passed “Aye”: Veit, Beckering, Ermeling, Klinghammer, Kneemiller, Muench, Reese, and Stivison

“Nay”: None

Absent: Weller and Feldman

Approved by the Honorable Mayor on December 10, 2007, and is known as **Ordinance 07-312**

Bill 9515

An Ordinance Authorizing a Contract with Missouri Piping, Inc. for the Construction of the West Adams Storm Sewer Project in an Amount Not to Exceed \$262,295.18 (*Sponsor: Dave Beckering*)

Passed “Aye”: Veit, Beckering, Ermeling, Klinghammer, Kneemiller, Muench, Reese, and Stivison

“Nay”: None

Absent: Weller and Feldman

Approved by the Honorable Mayor on December 6, 2007, and is known as **Ordinance 07-307**

Bill 9516 (Substitute Bill No. 1)

An Ordinance Amending Ordinance Number 06-343 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2007 (Budget Amendment #5) (*Sponsor: Bob Kneemiller*)

Passed “Aye”: Veit, Beckering, Ermeling, Klinghammer, Kneemiller, Muench, Reese, and Stivison

“Nay”: None

Absent: Weller and Feldman

Approved by the Honorable Mayor on December 4, 2007, and is known as **Ordinance 07-304**

Bill 9517

An Ordinance Authorizing Acceptance for Public Maintenance 1,330 Linear Feet of a New 10-Inch PVC Water Main Between Lot #1 of Sandfort Creek (Grau Contracting) and the Western Street Right of Way of Truman Boulevard at Trinity Metals (*Sponsor: Jerry Reese*)

Passed “Aye”: Veit, Beckering, Ermeling, Klinghammer, Kneemiller, Muench, Reese, and Stivison

“Nay”: None

Absent: Weller and Feldman

Approved by the Honorable Mayor on December 5, 2007, and is known as **Ordinance 07-305**

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 4, 2007

BILLS FOR INTRODUCTION

The following Council Bills were introduced, except Council Bill 9518:

Bill 9518 (*Withdrawn*)

An Ordinance Rezoning to City Zoning District R-2 (Two-Family Residential District) from City Zoning District R-1C (Single-Family Residential District), a Parcel of Land Located at 45 Ellen Drive (*Sponsor: Michael Klinghammer*)

A motion was made by MICHAEL KLINGHAMMER to withdraw Council Bill 9518 upon the request of the Applicant to withdraw the rezoning application. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

File #46686

Bill 9519

An Ordinance Vacating Four (4) Utility Easements Located Along the Side Property Lines Between Lots 2, 3 and 4 of Arco Business Park (*Sponsor: Jerry Reese*)

Bill 9520

An Ordinance Approving the Record Plat for Resubdivision of Lot 2A of the Resubdivision of Lot 2 of Bull Subdivision, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Jerry Reese*)

Bill 9521

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Three-B, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

Bill 9522

An Ordinance Rezoning to City Zoning District C-3 (Highway Business District) from City Zoning District I-1 (Light Industrial District), Approximately 8.4 Acres of Lane Located on the South Side of Elm Point Industrial Drive, Just East of Elm Street (*Sponsor: Michael Klinghammer*)

Bill 9523 (*Referred to the Council Work Session Scheduled for December 11, 2007*)

An Ordinance Amending Chapter 33 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to Boards, Commissions and Committees (*Sponsors: Ron Stivison and Erv Ermeling*)

Council Bill 9523 was referred to the Council Work Session scheduled for December 11, 2007, for further discussion.

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 4, 2007

Bill 9524

An Ordinance Authorizing a Contract with Arthur J. Gallagher Risk Management Services, Inc., to Place Various Lines of Insurance Coverage and Corporate Claims Management, Inc. for Third Party Administration Services in a Total Amount Not to Exceed \$696,738.00
(Sponsor: Bob Kneemiller)

Bill 9525

An Ordinance Authorizing a Contract with Group Health Plan (GHP) to Provide a Self-Funded Medical Insurance/Prescription Program to the City's Mayor, Council, All Full-Time Employees and Their Eligible Dependents, Retirees and Eligible Spouses Effective February 1, 2008 Through January 31, 2009 in an Amount Not to Exceed \$420,196.00
(Sponsor: Bob Kneemiller)

Bill 9526

An Ordinance Authorizing a Contract with Essex Dental Benefits to Provide the Mayor, City Council Members, All Full-Time Employees and Their Eligible Dependents, Retirees and Eligible Spouses With a Basic and Buy Up Dental Program for the Period February 1, 2008 through January 31, 2009 (12 Months) in an Amount Not to Exceed \$298,293.60 (Sponsor: Bob Kneemiller)

Bill 9527

An Ordinance Amending Chapter 115 of the Code of Ordinances Pertaining to Alcoholic Beverages (Sponsor: Richard Veit)

President of the Council Bob Kneemiller requested that Staff provide a Memorandum with bullet points of the changes proposed by Council Bill 9527. Councilmember Michael Klinghammer announced that the Historic Downtown District invited the Councilmembers to their next meeting at Thro's Clothing Store on Tuesday, December 11th at 9:00 a.m., at which meeting Council Bill 9527 will be discussed.

Bill 9528

An Ordinance Authorizing Acceptance of the Development Improvements of Water, Sanitary Sewer, Storm Sewer Utilities, City Streets and Their Appurtenances at Montclair Subdivision for the Section Completed by Bower and Bailey (Escrowed by Mark S. Mehlman Realty) and Release of Security. (Sponsor: Laurie Feldman)

Bill 9529

An Ordinance Amending Chapter 131 of the Code of Ordinances by Creating a New Section to be Known as Section 131.07 Regarding the Offense of Harassment (Sponsors: Larry Muench, Laurie Feldman, Bob Kneemiller, Jerry Reese, and Richard Veit)

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 4, 2007

CONSENT AGENDA

A motion was made by MICHAEL KLINGHAMMER to receive and approve the consent agenda. LARRY MUENCH seconded the motion. A roll call vote was taken, with the following results: "Aye": Beckering, Ermeling, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit. "Nay": None. Absent: Feldman and Weller. Motion passed.

A. Approval of Council Minutes

1. Regular City Council Meeting of November 6, 2007
2. Special Council Meeting of November 19, 2007
3. Regular City Council Meeting of November 20, 2007
4. Public Hearing of November 20, 2007

File #46687

B. Receipt and/or Approval of Council Committee Reports
None

C. Receipt of Reports from Boards, Commissions or Committees

1. Board of Public Works Meeting of October 11, 2007
 - a. Recommend Approval of the Department of Army's Provisions to the Permit Authorizing the City to Upgrade the Existing Missouri River Wastewater Treatment Facility
2. Senior Citizens Advisory Commission Meeting of October 16, 2007
 - a. Motion to Forward the Commission's Fireworks Recommendations to the St. Charles County Council and to the State Legislature, with a Copy to the City Councilmembers
 - b. Motion to Invite Sally Faith to Speak at the December 18, 2007, Meeting

File #46617

File #46531

File #46474

File #46546

File #46530

D. Receipt of Reports of the Director of Administration

1. Liquor License Application for Tim Mayer, d/b/a: One Stop, Inc., located at 2224-2236 North Third Street
2. Liquor License Application for Kuldip S. Bhangu, d/b/a: Mid Town 66, located at 524 First Capitol Drive

File #46463

File #46463

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 4, 2007

-
- | | | |
|---|----|---|
| File #46688 | 3. | Memo from Human Resources Department |
| File #46406A | 4. | Approval of Home Improvement Loans |
| File #46689 | 5. | Authorization to Negotiate an Engineering Services Contract with PB Americas, Inc for Design of the Reconstruction of New Town Blvd Between Elm Point Industrial Drive and Just North of the Entrance to New Town |
| File #46613 | 6. | Street Status Report |
|
E. Approval of Contracts and Easements from \$30,000 - \$99,999 | | |
| File #46690 | 1. | Contract with Park Mark, Inc. for the Raised Pavement Marker Project in an Amount not to Exceed \$35,734.46 |
| File #46691 | 2. | Contract with North American Salt Company for the Purchase of Road Salt for CY 2008 in an Amount not to Exceed \$83,500.00 |
| File #46692 | 3. | Contract with Lincoln National Insurance Company to Provide Basic Life and Accidental Death & Dismemberment Insurance Coverage for the Council, Mayor and Full-Time Employees for a One-Year Period Beginning February 1, 2008 through January 31, 2009 in an Amount not to Exceed \$54,000 |
| File #46693 | 4. | Contract with Lincoln National Insurance Company to Provide for Voluntary Life and Voluntary Death & Dismemberment Insurance Coverage to the Council, Mayor and Full-Time Employees for a One-Year Period Beginning February 1, 2008, through January 31, 2009 |
| File #46694 | 5. | Contract with Lincoln National Insurance Company to Provide Long-Term Disability Insurance for a One-Year Period Beginning February 1, 2008, through January 31, 2009, in an Amount not to Exceed \$78,000 |
|
F. Preliminary Plats
None | | |
|
G. Miscellaneous
None | | |

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 4, 2007

REPORT OF THE MAYOR

Written and/or Verbal Messages from the Mayor

Shopping in St. Charles. The Honorable Mayor Patricia M. York encouraged shopping in St. Charles; and outlined the events of Christmas Traditions.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Update on Elm Street Reconstruction Project

Councilmember Erv Ermeling gave an update on the Elm Street Reconstruction Project.
File #46695

Discussion Relative to Rescheduling of January 1, 2008, Regular Council Meeting

A motion was made by LARRY MUENCH to reschedule the meetings in January 2008, as follows: January 8, 2008 – Regular Council Meeting; January 15, 2008 – Council Work Session; and January 22, 2008 – Regular Council Meeting. JERRY REESE seconded the motion. A roll call vote was taken, with the following results: “Aye”: Ermeling, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering. “Nay”: None. Absent: Feldman and Weller. Motion passed.

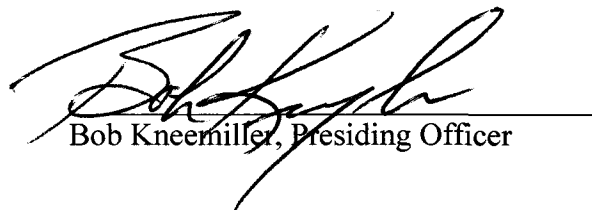
CLOSED SESSION

A roll call vote was taken to adjourn into Closed Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12); with the following results: “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, and Ermeling. “Nay”: None. Absent: Feldman and Weller. Motion passed.

The Open Portion of the Regular Council Meeting was adjourned at 8:27 p.m.

December 18, 2007
Date Approved


City Clerk


Bob Kneemiller, Presiding Officer